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ATTEST

By Denise Morgan-Stone on Jul 17, 2009

FOR THE UNITED STATES
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

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JUDICIAL PANEL ON
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Jul 17, 2009

FILED
CLERK'S OFFICE

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

IN RE: DIGITEK PRODUCTS LIABILITY LITIGATION

MDL No. 1968

(SEE ATTACHED SCHEDULE)

CONDITIONAL TRANSFER ORDER (CTO-17)

On August 13, 2008, the Panel transferred eight civil actions to the United States District Court for the Southern District of West Virginia for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. *See* 571 F.Supp.2d 1376 (J.P.M.L. 2008). Since that time, 162 additional actions have been transferred to the Southern District of West Virginia. With the consent of that court, all such actions have been assigned to the Honorable Joseph R. Goodwin.

It appears that the actions on this conditional transfer order involve questions of fact that are common to the actions previously transferred to the Southern District of West Virginia and assigned to Judge Goodwin.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the Southern District of West Virginia for the reasons stated in the order of August 13, 2008, and, with the consent of that court, assigned to the Honorable Joseph R. Goodwin.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Southern District of West Virginia. The transmittal of this order to said Clerk shall be stayed 15 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 15-day period, the stay will be continued until further order of the Panel.

Inasmuch as no objection is pending at this time, the stay is lifted.

Jul 17, 2009

CLERK'S OFFICE
UNITED STATES
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

FOR THE PANEL:


Jeffrey N. Lüthi
Clerk of the Panel

IN RE: DIGITEK PRODUCTS LIABILITY LITIGATION

MDL No. 1968

SCHEDULE CTO-17 - TAG-ALONG ACTIONS

| <u>DIST. DIV. C.A. #</u> | <u>CASE CAPTION</u> |
|--------------------------------------|---|
| LOUISIANA WESTERN LAW 6 09-1095 | Sylvia Larson, et al. v. Actavis, Inc., et al. Opposed 8/04/09 |
| MISSISSIPPI SOUTHERN MSS 1 09-391 | Homero Ruiz, etc. v. Mylan Pharmaceuticals, Inc., et al. |
| TEXAS SOUTHERN TXS 4 09-2094 | Otto Malone, etc. v. Actavis Totowa, LLC, et al. Opposed 8/03/09 |